

SCOTTSDALE

CITY COUNCIL MEETING



AGENDA

(ITEMS 3 & 4C ADDED TO SPECIAL MEETING; ITEM 12A ADDED TO
CONSENT AGENDA AND ITEM 15 ADDED TO REGULAR AGENDA)

COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Ned O'Hearn

David Ortega

Roberta Pilcher

Tom Silverman

Tuesday, February 3, 2004

4:00 P.M.

CITY COUNCIL SPECIAL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Blvd.

Roll Call

1. Brief update on status of negotiations for the following parcel for inclusion in the McDowell Sonoran Preserve: 40 acres of land located on the west side of 128th Street, north of the Cactus Road Alignment (Skyridge). A.R.S. 38-431.03 (A)(3), (A)(4) and (A)(7). Contact(s): Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov; Robert Cafarella, Director of Preservation, 480-312-2577, rcafarella@scottsdaleaz.gov; Joseph Bertoldo, City Attorney, 480-312-2478, jbortoldo@scottsdaleaz.gov; Donna Bronski, Deputy City Attorney, 480-312-2624, dbronski@scottsdaleaz.gov
2. Brief update on status of negotiations for acquisition of right-of-way along the east side of Pima Road and south of the intersection of Pima and Happy Valley Roads; and possible settlement of various law suits regarding figures on poles, sheds and related issues on property located at the southeast corner of Pima and Happy Valley Roads, owned by Happy Peak, Inc. A.R.S. 38-431.03 (A)(3), (A)(4) and (A)(7). Contact(s): Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov; Robert Cafarella, Director of Preservation, 480-312-2577, rcafarella@scottsdaleaz.gov; Joseph Bertoldo, City Attorney, 480-312-2478, jbortoldo@scottsdaleaz.gov; Donna Bronski, Deputy City Attorney, 480- 312-2624, dbronski@scottsdaleaz.gov
- **3.** Brief update on status of negotiations for acquisition of a portion of the following parcel for inclusion in the McDowell Sonoran Preserve: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street. A.R.S. 38-431.03 (A)(3), (A)(4) and (A)(7). Contact(s): Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov; Robert Cafarella, Director of Preservation, 480-312-2577, rcafarella@scottsdaleaz.gov; Joseph Bertoldo, City Attorney, 480-312-2478, jbortoldo@scottsdaleaz.gov; Donna Bronski, Deputy City Attorney, 480- 312-2624, dbronski@scottsdaleaz.gov

City Council Special Meeting

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4. Motion to recess into Executive Session for legal advice and to consider the City's position and instruct its representatives and attorneys regarding negotiations for:
 - a. The following parcel for inclusion in the McDowell Sonoran Preserve: 40 acres of land located on the west side of 128th Street, north of the Cactus Road Alignment (Skyridge). A.R.S. 38-431.03 (A)(3), (A)(4) and (A)(7).
 - b. Acquisition of right-of-way along the east side of Pima Road and south of the intersection of Pima and Happy Valley Roads; and possible settlement of various law suits regarding figures on poles, sheds and related issues on property located at the south east corner of Pima and Happy Valley Roads, owned by Happy Peak, Inc. A.R.S. 38-431.03 (A)(3), (A)(4) and (A)(7).
 - **c.** Acquisition of a portion of the following parcel for inclusion in the McDowell Sonoran Preserve: 780 acres of land located between Bell Road and Union Hills Road, at approximately 104th Street. A.R.S. 38-431.03 (A)(3), -(A)(4) and (A)(7).

Adjourn Special Meeting

CITY COUNCIL EXECUTIVE SESSION

Immediately Following 4:00 P.M. City Council Special Meeting

Call to Order – City Hall Kiva Conference Room

Executive session for any of the purposes listed on the agenda for the City Council Special Meeting scheduled for 4:00 P.M., above.

Adjourn

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes

SPECIAL MEETINGS

[January 14, 2004](#)

1. Pizza Peak Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing location, currently operating with a series 12 license under the same business name.

Location: 8711 E. Pinnacle Peak Rd. #341

Reference: 97-LL-2003

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

2. The House of Rice Store Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine bar) State liquor license for an existing grocery store.

Location: 3221 N. Hayden Rd.

Reference: 98-LL-2003

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

3. Meridian Contemporary Dining Liquor License

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant that previously operated with a series 12 (restaurant) license under the business name Restaurant Oceana.

Location: 8900 E. Pinnacle Peak Rd.

Reference: 99-LL-2003

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

4. On the Rocks Liquor License: downtown location

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 6 (bar) State liquor license for an existing bar location.

Location: 2515 N. Scottsdale Rd. #5

Reference: 100-LL-2003

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

5. On the Rocks Liquor License: northern location

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a currently vacant location which previously operated with a series 12 license under the business name Crew: An Eat Place.

Location: 34505 N. Scottsdale Rd. #H-4

Reference: 102-LL-2003

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Robert Bushfield, Development Review and Permit Services Director, 480-312-7096, rbushfield@scottsdaleaz.gov

6. **Approval of application and acceptance, if successful, of an Arizona Heritage Grant in the amount of \$500,000 for the Chaparral Park Expansion project**

Requests:

- Adopt Resolution No. 6432 authorizing the Community Service Department to apply for a \$500,000 Arizona Heritage Fund grant from Arizona State Parks.
- Authorize accepting the grant funds, in the event the application is successful.
- Authorize a capital project budget increase in the amount of the successful grant award in the Chaparral Park Expansion capital project (402-P0206).

The grant will be used to supplement current funding for the development of outdoor recreational amenities in addition to the amenities included in the Chaparral Park Expansion Public Use Site capital project (402-P0206). The City's grant match requirements will be met by expenditure currently approved for this capital project.

Staff Contact(s): Debra Baird, Community Services Interim General Manager, dbaird@scottsdaleaz.gov; Gary Meyer, Parks/Trails Planning Manager, 312-2357, gmeyer@scottsdaleaz.gov

7. **Construction Bid Award for 40 new Bus Shelters**

Request: Authorize Construction Bid Award No. 04PB036 to Krisdan Company, the lowest responsive bidder, at their lump sum bid of \$642,795.20 to install 40 new bus shelters at various locations throughout the City. If approved, the first 10 more heavily used locations will be installed by the end of June 2004; the other 30 locations will be completed in September 2004.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Marek Urbanek, Project Manager, 480-312-2563, murbanek@scottsdaleaz.gov

8. **Acquisition of one-acre property for future location of arsenic removal treatment facility**

Request: Adopt Resolution No. 6436 authorizing the acquisition of real property at 26602 North 70th Place (a vacant residential lot approximately one acre in size) from Michael and Patricia Mancini in the amount of \$175,000, plus closing costs of approximately \$2,500. This parcel will be utilized for future construction of an arsenic removal treatment facility for drinking water.

Related Policies, References:

- a. US Environmental Protection Agency Final Rule reducing the maximum level of arsenic allowed in drinking water dated January 24, 2001
- b. Water Resources Master Plan, approved by City Council on October 15, 2001
- c. Engineering Services Contract No. 2002-139-COS with Narasimhan Consulting Services, approved by City Council on November 18, 2002

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Jean Morris, Right of Way Agent, 480-312-7853, jmorris@scottsdaleaz.gov; Dave Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov; Joe Gross, Water Resources Director, 480-312-5628, jgross@scottsdaleaz.gov

9. **WestWorld Arenas 6, 7 and 8 Relocation Project**

Requests:

1. Authorize Architectural Services Contract No. 2004-007-COS with Bernard Deutsch Associates, Inc., in the amount of \$77,828 for the design of Arenas 6, 7, and 8 Relocation at WestWorld.
2. Authorize a capital contingency fund transfer in the amount of \$300,000 to CIP Account No. D0206 (WestWorld Arenas 6, 7 & 8).

Related Policies, References:

- Development Review Board (Case #116-DR-93, #2, 3 & 4), May 1994 - related to WestWorld entry signage, re-vegetation, and Western Theme Park
- Planning Commission (Case #20-ZN-1995 #2), January 28, 2003 – WestWorld Master Development Plan
- City Council – WestWorld Master Development Plan, March 18, 2003
- Development Review Board (Case #41-DR-2003), July 10, 2003 – WestWorld Design Guidelines

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Annette Grove, Sr. Project Manager, 480-312-2399, Agrove@scottsdaleaz.gov.

10. **Acceptance of \$224,311 grant to purchase crime laboratory DNA equipment and to fund staff overtime to examine DNA felony backlog cases**

Request:

- Adopt Resolution No. 6438 authorizing the Police Department to accept the National Institute of Justice No Suspect Casework DNA (deoxyribonucleic acid) Backlog Reduction Program (FY 2003) grant from the Arizona Department of Public Safety in the amount of \$224,311. The grant does not require the City to match the grant funds.

The Police Department will use the grant to purchase a DNA sequence detection system and related DNA supplies as well as pay for overtime salaries required to complete this program. The equipment and supplies will be used to process the Police Department's 'no suspect' backlog casework and identify possible suspects using DNA profiling. The FY 2003/04 Grants budget includes budget for this grant.

Related Policies, References: This agreement is made under the authority of A.R.S. §41-1713,B, (3). Reference National Institute of Justice Federal Grant #2003-DN-BX-K020, CFDA #16-564

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov; Allen Steve Garrett, Forensic Services Division Manager, 480-312-5280, sgarrett@scottsdaleaz.gov

11. **Settlement of City of Scottsdale v. Skyridge Estates, a Preserve condemnation case**

Requests:

1. Adopt Resolution 6441 to authorize the City Attorney to settle *City of Scottsdale v. Skyridge Estates*, a Preserve condemnation case, Superior Court Case number CV1999-013646.
2. Authorize a CIP General Fund cash transfer of \$1,775,000, plus interest, to the Preservation Capital Project to pay for the 20-acre parcel that is outside the original boundary of the Preserve. The Preserve tax funds cannot be used to acquire land that is outside the Preserve boundary as approved by voters. \$941,744 of the CIP General Fund cash transfer will be repaid in June 2005 from the proceeds received from the Sinclair Oil contract. The settlement amount for the 20-acre “in” parcel is budgeted and will be paid from the McDowell Sonoran Preserve fund. The settlement interest will be calculated by the Court at the time of close.

Related Policies, References: Resolution No. 5336, which authorized the condemnation of the 20-acre “in” parcel, and Resolution No. 5403, which authorized the condemnation of the 20-acre “out” parcel, in Skyridge Estates for the McDowell Sonoran Preserve.

Staff Contact(s): Robert J. Cafarella, Preservation Director, 480-312-2577, rcafarella@scottsdaleaz.gov; Bruce Washburn, Assistant City Attorney, 480-312-2405, bwashburn@scottsdaleaz.gov; Ed Gawf, Deputy City Manager, 480-312-4510, egawf@scottsdaleaz.gov

12. **Contract extensions to obtain impartial traffic impact and mitigation analysis for development applications.**

Request: Consider adoption of Resolution No. 6443 to authorize the second annual extension of the following four-year contracts: #2001-155-COS with Parsons Brinckerhoff; #2001-156-COS with United Civil Group; and #2001-158-COS with Kirkham Michael. These firms provide traffic-engineering services to the City under the Traffic Impact and Mitigation Analysis (TIMA) Program. Note: the development applicants are still responsible for the costs for these services.

Related Policies, References: Resolution No. 5953 established the original contracts; City Procurement Code

Staff Contact(s): John Little, Transportation General Manager, (480) 312-2539, jlittle@scottsdaleaz.gov; Phillip Kercher, Contract Administrator, (480)-312-7645, pkcher@scottsdaleaz.gov

12A.

Buffalo Bill Historical Center Fundraising Feasibility Study

Request: City Council spending authority to provide funding not to exceed \$50,000 from the City’s contingency budget to be reimbursed by the Community Arts Trust Fund #280-05901 to the Buffalo Bill Historical Center to conduct a fundraising feasibility study and assessment. Note: technically and for budgeting purposes, these funds and spending authority originate from the General Fund Contingency, but will be replaced/reimbursed by funds from the Community Arts Trust Fund. Therefore, there will be no impact to the General Fund.

Related Policies, References: Resolution No. 6027 and Redevelopment Agreement 2002-024-COS between the Arts District Group L.L.C. and the City of Scottsdale.

Staff Contacts: Janet M. Dolan, City Manager, 480-312-2422, jdolan@scottsdaleaz.gov; John Little, Downtown Executive Director, 480-312-2539, jlittle@scottsdaleaz.gov

Regular Agenda begins on the following page

13. City View Estates Rezoning**Request(s):**

1. To rezone from Single Family Residential, Environmentally Sensitive Lands District (R1-190 ESL) to Single Family Residential, Environmentally Sensitive Lands District (R1-70 ESL) on a 19 +/- acre parcel located at the southwest corner of Happy Valley and Alma School Roads.
2. Adopt Ordinance No. 3552 affirming the above rezoning.

Location: E. Happy Valley Rd./Alma School Rd. (southwest corner)**Reference:** 3-ZN-2003**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov**14. Centennial Marketplace General Plan Amendment and Rezoning****Requests:** Approve:

1. A General Plan Amendment (non-major) from Office (minor) to Commercial;
2. A rezoning from Planned Community District, Service Residential District (PCD S-R) to Planned Community District, Planned Neighborhood Center (PCD PNC) with amended development standards and revised stipulations;
3. A conditional use permit for a health studio;
4. Adopt Resolution No. 6437 affirming the above General Plan Amendment; and
5. Adopt Ordinance No. 3551 affirming the above rezoning, stipulations and amended development standards.

On a 7.79 +/- acre parcel located at the northwest corner of 100th Street and Frank Lloyd Wright Boulevard.

Location: N. 100th St./Frank Lloyd Wright Bl. (northwest corner)**Reference:** 4-GP-2003, 61-ZN-1982#2 & 24-UP-2003**Staff Contact(s):** Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov*****15.*******Reconsider North Scottsdale Collision Rezoning****Request:** Determine whether the City Council will reconsider Case No. 15-ZN-2003 (North Scottsdale Collision Rezoning) at a future City Council meeting date to be determined.**Staff Contacts:** Randy Grant, 480-312-7995, rgrant@scottsdaleaz.gov; Pat Boomsma, 480-312-2660, pboomsma@scottsdaleaz.gov

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report

Mayor and Council Items

Adjournment

Executive Sessions authorized by Arizona Revised Statutes 38-431.03 are held in the Kiva Conference Room, City Hall, at 4:00 P.M., or immediately following the 5:00 P.M. Meeting. Executive Sessions are posted at least twenty-four hours prior to such meetings.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.